



Dkt. 57477-A-PCT-US/JPW/MVM

1653
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas M. Jessell et al.
Serial No.: 09/820,598 Group Art Unit: 1653
Filed: March 29, 2001 Examiner: K. Carlson, Ph.D.
For: GENE ENCODING MNR2 AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
June 25, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMUNICATION IN RESPONSE TO MAY 25, 2004
NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. §1.121)

This Communication is submitted in response to a May 25, 2004 Notice of Non-Compliant Amendment (37 C.F.R. §1.121) issued by the United States Patent and Trademark Office in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit A**. The Notice provides a one-month period for filing a response. Therefore, a response to the May 25, 2004 Notice is due June 25, 2004. Accordingly, this Communication is being timely filed.

REMARKS

The Examiner objected to applicants' May 11, 2004 reply to the February 11, 2004 Office Action for allegedly not having been submitted in the format required under 37 C.F.R. §1.121. Applicants note the date of May 13, 2004 erroneously attributed to the May 11, 2004 Amendment. Specifically, the



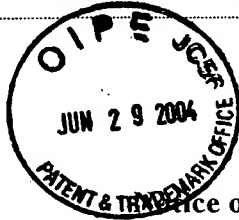
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09/820598



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Paper No.

Office of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 5/13/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).**

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☐ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____
- 5/25/04: 1m: 6/25/04
2m: 7/25/04
3m: 8/25/04
4m: 9/25/04
5m: 10/25/04
6m: 11/25/04
SML

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Telephone No.